

**2003 DRAFTING REQUEST**

**Bill**

Received: **01/17/2003**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Alan Lasee (608) 266-3512**

By/Representing: **Shari Lord**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact: **Rick Stadelman, Towns Assoc. 71**

Addl. Drafters:

Subject: **Munis - miscellaneous  
Counties - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lasee@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Town official map and comprehensive plans must have same authority as city, village map and plan

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**Instructions:**

See Attached. City, village annexations must follow section lines or natural boundaries, or annex to center of highways, and may not cross into neighboring counties.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 01/20/2003	wjackson 02/10/2003		_____			Local
/1			pgreensl 02/10/2003	_____	mbarman 02/10/2003	amentkow 02/25/2003	

FE Sent For:

<END>

↳ At intro

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1/1	mshovers	11 WLj 2/10	2/10	2/10			
1/1	MEs	1/20/03	P8	P8/PB			

FE Sent For:

<END>

# Bill Request Form

**Legislative Reference Bureau**  
100 N. Hamilton Street  
Legal Section 266-3561

*You may use this form or talk directly with the LRB attorney who will draft the bill.*

Date 1-9-03

Legislator, agency, or other person requesting this draft Senator Rasee

Person submitting request (name and phone number) Shari Low

Persons to contact for questions about this draft (names and phone numbers) Shari Low 266-3562 219 South

Describe the problem, including any helpful examples. How do you want to solve the problem?

*see attached*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you?  YES  NO

If yes:                      Anyone who asks?  YES  NO  
   Any legislator?         YES  NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent?    YES  NO    If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?  
YES  NO

## Drafting Request

**Statement of Purpose of Bill:** Seek legislative change to give towns same authority as cities and villages when town adopts official map and comprehensive plan, i.e. that county must incorporate town official map into county plan

**Statement of Current Law:** Under current law, Sec. 59.69 (3) (b) of Wis. Statutes, the county must include in the county master plan any city or village comprehensive plan adopted under Sec. 62.23 (3) and the county must include in the county plan any city or village official map adopted under 62.23 (6) of Wis. Statutes. The county is not required to include either a town comprehensive plan or a town official map.

**Request:** To include language in Sec. 59.69 that county must include the town comprehensive plan and the town official map.

**Some other points of interest to address:** (1) Repeal Sec. 59.69 (3)(e) to eliminate the potential conflict between town and city/village plan or official maps in the extraterritorial area.

(2) Include a reference under Sec. 60.23 (Miscellaneous powers of town board) a statement that town board may adopt an official map pursuant to the same procedures as cities and villages under Sec. 62.23 (6) of Wis. Statutes. {Note this statement would give the town board authority without village powers.}

For Further Information please contact Rick Stadelman, Wis. Towns Association, At (715) 526-3157.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1589/1

MES.....

WJ  
RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

gen

D-note

1 AN ACT ...; relating to: expanding town authority to create an official map and  
2 the status of an official town map.

***Analysis by the Legislative Reference Bureau***

Under current law, a county board may engage in zoning and land use planning by creating a county planning agency or by designating a previously constituted county committee or commission as the county planning agency. If a county board creates or designates such an agency, the agency is required to direct the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan.

Current law requires that the county development plan include the master plan and official map of a city or village in the county, and that a city or village master plan and official map controls in the city's or village's extraterritorial zoning jurisdiction over a county development plan that affects that same area. A city's or village's extraterritorial zoning jurisdiction consists of unincorporated areas (town or county territory) within three miles of the corporate limits of a first, second, or third class city or within <sup>one and a half</sup> ~~one and a half~~ miles of a fourth class city or a village. <sup>STET</sup>

Current law allows a town to adopt an official map under certain situations if the town is located in a county that has not enacted a county zoning ordinance.

This bill authorizes a town to adopt an official map at any time, and requires that a county development plan include the official map of any town in the county that has adopted a comprehensive plan, which is defined under current law as a plan <sup>that</sup> ~~which~~ must contain planning elements including the following: housing;

transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; and land use. Also under the bill, a city's or village's master plan and official map control in the city's or village's extraterritorial zoning jurisdiction only if an official town map is not part of the county development plan.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

# AM; 59.69 (1)<sup>✓</sup>

1           59.69 (1) PURPOSE. It is the purpose of this section to promote the public health,  
2 safety, convenience, and general welfare; to encourage planned and orderly land use  
3 development; to protect property values and the property tax base; to permit the  
4 careful planning and efficient maintenance of highway systems; to ensure adequate  
5 highway, utility, health, educational, and recreational facilities; to recognize the  
6 needs of agriculture, forestry, industry, and business in future growth; to encourage  
7 uses of land and other natural resources which are in accordance with their character  
8 and adaptability; to provide adequate light and air, including access to sunlight for  
9 solar collectors and to wind for wind energy systems; to encourage the protection of  
10 groundwater resources; to preserve wetlands; to conserve soil, water, and forest  
11 resources; to protect the beauty and amenities of landscape and man-made  
12 developments; to provide healthy surroundings for family life; and to promote the  
13 efficient and economical use of public funds. To accomplish this purpose, the board  
14 may plan for the physical development and zoning of territory within the county as  
15 set forth in this section and shall incorporate therein the master plan adopted under  
16 s. 62.23 (2) or (3) and, the official map of any city or village in the county adopted  
17 under s. 62.23 (6), and the official map, as adopted under s. 60.23 (32)<sup>✓</sup>, of any town



1 in the county that has adopted a comprehensive plan, as defined in s. 66.1001 (1) (a)

2 2.

3 SECTION ~~4.~~ 59.69 (3) (b) of the statutes is renumbered 59.69 (3) (b) (intro.) and  
4 amended to read:

5 59.69 (3) (b) (intro.) The development plan shall include ~~the master plan, if any,~~  
6 ~~of any city or village, that was adopted under s. 62.23 (2) or (3) and the official map,~~  
7 ~~if any, of such city or village, that was adopted under s. 62.23 (6) in the county,~~  
8 ~~without change., without change, all of the following:~~

9 SECTION ~~2.~~ 59.69 (3) (b) 1. to 3. of the statutes are created to read:

10 59.69 (3) (b) 1. The master plan, if any, of any city or village, that was adopted  
11 under s. 62.23 (2) or (3).

12 2. The official map, if any, of a city or village described under subd. 1., that was  
13 adopted under s. 62.23 (6) in the county.

14 3. The official map, as adopted under s. 60.23 (32), of any town in the county  
15 that has adopted a comprehensive plan, as defined in s. 66.1001 (1) (a) 2.

plain

16 SECTION ~~3.~~ 59.69 (3) (e) of the statutes is amended to read:

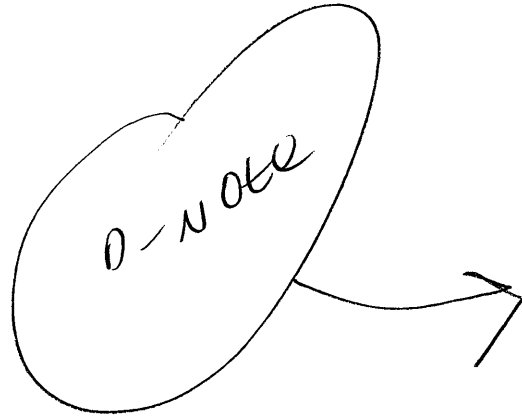
17 59.69 (3) (e) A master plan adopted by a city or village under s. 62.23 (2) and  
18 (3) and an official map that is established by a city or village under s. 62.23 (6) shall  
19 control in unincorporated territory in a county affected thereby, whether or not such  
20 action occurs before the adoption of a development plan, except that if the county  
21 development plan includes an official town map as described under par. (b) the town  
22 map shall control in its territory.

23 SECTION ~~4.~~ 60.23 (32) of the statutes is created to read:

24 60.23 (32) OFFICIAL TOWN MAP. Adopt an official map. A town may adopt an  
25 official map under this subsection only by acting under s. 62.23 (6), and the town

1 board and town officers have the same authority and responsibilities as a common  
2 council and city officers acting under that subsection <sup>5. 62.23(6)</sup>

3 (END)



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1589/3dn

MES.....:.....

WLJ

Senator Lasee:

Instead of repealing s. 59.69 (3) (e) as suggested by the Towns Association, I amended it. I think that this treatment works better than a repeal. Is this OK?

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1589/1dn  
MES:wlj:pg

February 10, 2003

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Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: [marc.shovers@legis.state.wi.us](mailto:marc.shovers@legis.state.wi.us)

**Barman, Mike**

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**From:** Lord, Shari  
**Sent:** Tuesday, February 25, 2003 8:24 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-1589/1 Topic: Town official map and comprehensive plans must have same authority as city, village map and plan

It has been requested by <Lord, Shari> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-1589/1 Topic: Town official map and comprehensive plans must have same authority as city, village map and plan